

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2000-0426-010-021

vs.

Elizabeth McRae, RN, Lic. No. R45949
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated May 26, 2000. Dept. Exh. 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Elizabeth McRae (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On June 7, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated June 7, 2000, scheduling a hearing for June 21, 2000. Dept. Exh. 1.

Respondent was provided notice of the hearing and of the charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered to respondent's address by deputy sheriff on June 15, 2000.

The hearing took place on June 21, 2000 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was not present during the hearing and was not represented by counsel. Transcript, June 21, 2000.

Respondent failed to submit a written answer to the Statement of Charges. At the hearing on June 21, 2000, the Department moved to have the allegations in the Charges deemed admitted. The Board granted the Department's Motion. Transcript, June 21, 2000, p. 7.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Registered Nurse License Number R45949 on June 1, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2-B.
2. At all relevant times, respondent was employed as a Registered Nurse at Patient Care Services, Stamford Hospital, Stamford, Connecticut. Dept. Exh. 2-A.
3. On or about May through about July 1999, while working as a Registered Nurse at Patient Care Services respondent diverted Morphine; failed to completely, properly and/or accurately document medical or hospital records; and falsified one or more Controlled Substance Receipt Records. Dept. Exh. 2-A.
4. In or about May and July 1999, respondent abused or excessively used Morphine.
5. Respondent's abuse of Morphine does, and/or may affect her practice as a Registered Nurse.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Respondent held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities . . .

Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board has deemed the allegations in the Statement of Charges to be admitted.

Based on its findings, the Board concludes that the Department has met its burden by a preponderance of the evidence. The Board concludes that respondent's conduct as alleged in the Statement of Charges constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, respondent's Registered Nurse License is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

Respondent's Registered Nurse License No. R45949, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Elizabeth McRae, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 15th day of November, 2000.

BOARD OF EXAMINERS FOR NURSING

By 